

FEDERAL COMMUNICATIONS COMMISSION
445 TWELFTH STREET SW
WASHINGTON DC 20554

MEDIA BUREAU
AUDIO DIVISION
APPLICATION STATUS: (202) 418-2730
HOME PAGE: www.fcc.gov/mb/audio/

ENGINEER: CHARLES N. (NORM) MILLER
TELEPHONE: (202) 418-2767
FACSIMILE: (202) 418-1410
E-MAIL: charles.miller@fcc.gov

March 1, 2007

Marissa G. Repp, Esq.
Hogan & Hartson LLP
555 Thirteenth Street NW
Washington, DC 20004-1109

Re: CC Licenses, LLC
KXEW (AM), South Tucson, Arizona
Facility Identification Number: 8144
Special Temporary Authority

Dear Counsel:

This is in reference to the request filed February 9, 2007, on behalf of CC Licenses, LLC ("CCL"). CCL requests special temporary authority ("STA") to operate Station KXEW during nighttime hours with an emergency nondirectional antenna and reduced power.¹ In support of the request, CCL states that nearby highway construction has distorted the station's directional pattern, and that it will be necessary to file an application for construction permit to augment the pattern.

Ordinarily, the circumstances described do not warrant nondirectional operation. However, in this case, the highway construction has disrupted the station's monitored radial to the extent that a drastic power reduction, with concomitant loss of service, would be necessary to maintain the monitor points within currently licensed limits. CCL has filed Application BP-20070213AAL, to augment the authorized standard pattern sufficiently to overcome the disruption to its operating environment; thus the STA operation is expected to be of relatively short duration.

Accordingly, the request for STA IS HEREBY GRANTED. Station KXEW may operate during nighttime hours with an emergency nondirectional antenna and reduced power not to exceed 0.25 kilowatt. It will be necessary to further reduce power or cease operation if complaints of interference are received. CCL must notify the Commission when licensed operation is restored.² CCL must use whatever means are necessary to protect workers and the public from exposure to radio frequency radiation in excess of the Commission's exposure guidelines. *See* 47 CFR § 1.1310.

¹ KXEW is licensed for operation on 1600 kHz with 1 kilowatt daytime and 1 kilowatt nighttime, employing a directional antenna during nighttime hours only (DA-N-U).

² *See* 47 CFR §§ 73.45(c), 73.51, 73.54, 73.61(b).

This authority expires on **June 1, 2007**.

STA Advisory: Section 309(f) of the Communications Act of 1934, as amended, authorizes the Commission to grant STA in cases of "extraordinary circumstances requiring temporary authorizations in the public interest and when delay in the institution of the temporary operations would seriously prejudice the public interest." However, Section 309(f) is not a means by which a licensee/permittee may circumvent established processing procedures which require the filing of an application, nor is it a means by which a broadcaster may enhance his facility or make operation more convenient for the broadcaster. Stations operating with less than licensed facilities under temporary authorities can be viewed as receiving the benefit of a larger protection area than that in which they are currently providing service.

Accordingly, Special Temporary Authorities by nature are to be temporary and are not intended for extended use. Licensees of stations operating under temporary authorities are reminded that timely restoration of permanent facilities is the responsibility of the licensee and should be undertaken expeditiously. Any request for extension of special temporary authorities carries an increased burden with each subsequent request.

Therefore, requests for extension of STA will be granted only where the licensee can show that one or more of the following criteria have been met:

- Restoration of licensed facilities is complete and testing is underway;
- Substantial progress has been made during the most recent STA period toward restoration of licensed operation; or
- No progress has been made during the most recent STA period for reasons clearly beyond the licensee's control, and the licensee has taken all possible steps to expeditiously resolve the problem.

Sincerely,



Charles N. Miller, Engineer
Audio Division
Media Bureau

cc: CC Licenses, LLC